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Counsel for Defendant DERA JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DERA JONES,

Defendant.

No. CR 05-254 CRB

STIPULATION AND
~~PROPOSED~~ ORDER
CONTINUING MOTION TO
DISMISS HEARING

Hearing Date: Monday, June
29, 2005 at 2:15 p.m.

The Honorable Charles R.
Breyer

The undersigned parties stipulate as follows:

1. A motion to suppress hearing is currently set before this Court on June 29, 2005 at 2:15 PM;
2. Counsel for Ms. Jones requests more time to file the opening motion due to the fact that she is out of town this week;
3. As such, counsel for Ms. Jones requests that this Court continue the motion to dismiss hearing for one week, to Wednesday, July 6 2005 at 2:15 PM.
4. Counsel for the government, Robert Rees, has no objection to moving the motion to dismiss hearing one week to Wednesday, July 6 at 2:15 PM.

5. The parties further stipulate that the briefing schedule should be altered as follows;

Opening Motion Due: June 8, 2005

Gov. Response Due: June 22, 2005

Reply Due: June 29, 2005

6. The parties jointly request an exclusion of time on the basis of effective preparation of counsel. Defense counsel hereby stipulates that her client is out of custody; that she needs more time to effectively prepare this motion; that an exclusion of time is in her client's best interest, and that the ends of justice served by excluding the additional two week period between June 1, 2005 and June 8, 2005 outweigh her client's interest in a speedy trial.

7. Counsel for Ms. Jones hereby certifies that she has discussed said continuance with Robert Rees, AUSA, and that he is in accord with the representations in this stipulation.

IT IS SO STIPULATED.

DATED: May 30, 2005

/s/

ELIZABETH M. FALK
Assistant Federal Public Defender

DATED: May 30, 2005

/s/

ROBERT REES
Assistant United States Attorney

~~PROPOSED~~ ORDER

GOOD CAUSE APPEARING, it is hereby ORDERED that the Motion to Dismiss hearing in the aforementioned case is hereby continued from June 29, 2005 to July 6, 2005 at 2:15 PM before this honorable Court. The briefing schedule for said motion is hereby altered as stated by counsel in this stipulation.. Based on the aforementioned representations of defense counsel, this Court further finds that counsel for the defendant

1 needs additional time to effectively prepare a defense for her client, and that defense
2 counsel believes that an exclusion of time is in her client's best interest. Given these
3 circumstances, this Court finds that the ends of justice served by excluding the period
4 between June 1, 2005 and June 8, 2005 outweigh the best interest of the public and the
5 defendant in a speedy trial. An exclusion of time is thus appropriate under the Speedy
6 Trial Act between June 1 and June 8, 2005 to enable counsel to effectively prepare for the
7 motion, 18 U.S.C. § 3161(h)(8)(A) & 18 U.S.C. § 3161(B)(iv).

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9 DATED: May 31, 2005

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THE HONORABLE CHARLES R. BREYER
UNITED STATES DISTRICT COURT

